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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/985,867

11/06/2001

Tom Grason

BS01-111

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01/30/2006

WITHERS & KEYS FOR BELL SOUTH

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EXAMINER

TRAN, NGHI V

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/985,867 | Applicant(s)<br>GRASON ET AL. |  |
|                              | Examiner<br>Nghi V. Tran      | Art Unit<br>2151              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 33-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 8-11, 15-19, 22-26, 29-31, 33-34, 35-37, 40-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Parks, U.S. Patent No. 6,596,031.

3. With respect to claims 1, 8, 15, 22, 29, 35, 42, and 45, Parks teaches a system for distributing one or more news stories to a reader [see abstract and figs.2A-D], comprising:

- a computer accessible to the reader, the computer having a display device viewable by the reader [212];
- a web browser executing on the computer, the web browser having a graphical user interface [240];
- a list of titles corresponding to the one or more news stories, the list appearing as a portion of a web page in the graphical user interface [col.8, ln.30 - col.9, ln.3];

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- a selection device used by the reader to select to select one of the news stories to view [fig.2A and col.6, ln.64 - col.7, ln.59];
- a news story rendering application [224 and col. 19, lns.4-5] executing on the computer that uses a file associated with the title of the news story selected by the reader to access a news story rendering file that instructs the web browser how to display data in the graphical user interface, and to access a news story data file that contains the data associated with the news story, wherein the news story data file is rendered so that it is viewable in the graphical user interface in accordance with the instructions in the news story rendering file and the data in the news story data file [figs.2A-D; col.6, ln.57 - col.8, ln.65; and col.19, lns.4-5].

4. With respect to claims 2, 10, 16, 36, and 43, Parks further teaches an authoring tool [201 and 203 i.e. NSML editor and text editor] for generating the news story [fig.2A].

5. With respect to claim 9, Parks further teaches determining the location of the data file comprises the step of determining the location of the data file using a file name of the rendering file [col.6, ln.57 - col.8, ln.65 and col.19, lns.4-5].

6. With respect to claims 11, 17, 24, 31, 37, and 44, Parks further teaches the step of formatting text of the created news story [col.7, ln.13 - col.8, ln.29].

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7. With respect to claims 18, 25, and 33, Parks further teaches the authoring tool comprises means to create a link from entered text [fig.2C and col.8, lns.30-56].

8. With respect to claim 19, Parks further teaches means for determining the location of the information data file using a name and a location of the view file [figs.2C-D and col.8, ln.30 - col.9, ln.25].

9. With respect to claims 23 and 30, Parks further teaches editing the information data file prior to approval [col.7, ln.60 - col.8, ln.56].

10. With respect to claim 26, Parks further teaches rolling the information data file out over a computer network [col.7, ln.39 - col.8, ln.66].

11. With respect to claims 34 and 40, Parks further teaches the application extracts and renders a predetermined number of sentences of the news story data file [col.19, lns.4-5 and figs.2A-D].

12. With respect to claims 41 and 46, Parks further teaches means for determining a location of the information data file from information contained in the link data file [figs.2C-D and col.8, ln.30 - col.9, ln.25]; and mean for rendering the information data file on a computer display in accordance with the rendering instructions [col.6, ln.57 - col.8, ln.65 and col.19, lns.4-5].

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3-7, 13-14, 20-21, 27-28 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parks as applied to claims 1, 8, 15, 22, and 35 above, and further in view of Dave Winer, "ScriptingNews 2.0b1," [http://my.userland.com/stories/storyReader\\$11](http://my.userland.com/stories/storyReader$11) (hereinafter Dave).

15. With respect to claims 3, 13, 21, 27, and 38, Parks is silent on an XML file comprising a link to the news story rendering file.

In a system for distributing one or more news stories to a reader, Dave discloses an XML file [pgs.5-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by adding an XMLfile because XML-based standard for describing web content other than HTML which is understood by any browser. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to let web sites exchange content summaries and e-commerce data.

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16. With respect to claims 4, 14, 20, 28, and 39, Parks is silent on the XML file is an RSS file.

In a system for distributing one or more news stories to a reader, Dave discloses the XML file is an RSS file [pgs.1-2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by adding an XMLfile because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to simply scan headlines or brief article summaries and click to read the full text instead of visiting multiple web sites to see what's new.

17. With respect to claim 5, Parks is silent on the RSS file comprises a plurality of links to a plurality of news story rendering files, each news story rendering file associated with a news story data file that can be obtained from information about the news story rendering file.

In a system for distributing one or more news stories to a reader, Dave discloses the RSS file comprises a plurality of links to a plurality of news story rendering files, each news story rendering file associated with a news story data file that can be obtained from information about the news story rendering file [pgs. 1-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by adding an XMLfile because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to simply scan headlines or brief article summaries and click to read the full text instead of visiting multiple web sites to see what's new.

18. With respect to claim 6, Parks further teaches a web-based authoring tool for allowing a contributor to generate a news story [figs.2A-D].

19. With respect to claim 7, Parks further teaches the authoring tool comprises one or more formatting buttons [figs.2C-D].

20. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parks as applied to claim 8 above, and further in view of Anuff et al., U.S. Patent No. 6,327,628 (hereinafter Anuff).

21. With respect to claim 12, Parks is silent on generating a rendering file in conformance with JSP.

In a system for distributing one or more news stories to a reader, Anuff discloses generating a rendering file in conformance with JSP [col.4, ln.36].



Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Park in view of Anuff by generating a rendering file in conformance with JSP because JSP is slightly more advanced environment in performance, session management, error handling, portability, etc. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Anuff in order to save such costly operations as opening database connections need to be done only once for many HTTP requests. On the other hand, CGI will startup and initialize the entire state of the CGI program.

### ***Response to Arguments***

22. Applicant's arguments filed December 27, 2005 have been fully considered but they are not persuasive because of the following reasons: Parks teaches a system for distributing one or more news stories to a reader [see abstract and figs.2A-D], comprising: a computer accessible to the reader, the computer having a display device viewable by the reader [212]; a web browser executing on the computer, the web browser having a graphical user interface [240]; a list of titles corresponding to the one or more news stories, the list appearing as a portion of a web page in the graphical user interface [col.8, ln.30 - col.9, ln.3]; a selection device used by the reader to select to select one of the news stories to view [fig.2A and col.6, ln.64 - col.7, ln.59]; a news story rendering application [224 and col. 19, lns.4-5] executing on the computer that uses a file associated with the title of the news story selected by the reader to access a news story rendering file that instructs the web browser how to display data in the graphical

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user interface, and to access a news story data file that contains the data associated with the news story, wherein the news story data file is rendered so that it is viewable in the graphical user interface in accordance with the instructions in the news story rendering file and the data in the news story data file [figs.2A-D; col.6, ln.57 - col.8, ln.65; and col.19, lns.4-5].

23. In response to Applicant's argument that Park does not teach the graphical user interface is displayed on the computer with a display device available to the user. The Examiner respectfully disagrees because Park suggests the graphical user interface [figs.2C-D] is displayed on the computer with a display device available to the user [see fig.2A and col.7, lns.40-55].

24. In response to Applicant's argument that Park does not teach that the news story data file is rendered viewable on the HTTP computer. The Examiner respectfully disagrees because Park discloses the news story data file is rendered viewable on the HTTP computer [e.g. rendering the news story information according to the structure defined by the markup language, see fig.2A; col.7, lns.40-55; and col.19, lns.4-5].

25. In response to Applicant's argument that the parser 224 does not use a file associated with the new story to access the news story. The Examiner respectfully disagrees because Park suggests a news story rendering application [e.g. rendering the news story information according to the structure defined by the markup language,

col.19, Ins.4-5] executing on the computer the uses a file associated with title of the news story [see fig.2A; col.7, Ins.40-55].

26. In response to Applicant's argument that Park does not disclose rolling out the information data file to a news feed area along with a view file. The Examiner respectfully disagrees because Park suggests rolling out (i.e. converting) the information data file to a news feed area along with a view file (i.e. HTML document) [e.g. rendering the news story information according to the structure defined by the markup language, see col.19, Ins.4-5 and col.7, Ins.9-55].

27. In response to Applicant's argument that Park does not disclose using a view file to render the data file on a second display using a web browser. The Examiner respectfully disagrees because Park suggests using a view file to render the data file on a second display using a web browser (i.e. Netscape Navigator HTML viewer for the Netscape Corporation or the Microsoft Internet Explorer HTML viewer form the Microsoft Corporation) [e.g. rendering the news story information according to the structure defined by the markup language, see col.19, Ins.4-5 and col.7, Ins.9-55].

### ***Conclusion***

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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